

For information

**Subcommittee on
Dutiable Commodities (Liquor) (Amendment) Regulation 2015 and
Dutiable Commodities (Liquor Licences) (Fees) (Amendment) Regulation 2015**

Responses to Issues Raised by Members on 26 February 2015

PURPOSE

This paper provides the supplementary information sought by Members at the Subcommittee meeting held on 26 February 2015.

SUPPLEMENTARY INFORMATION

(a) Substantiated complaints against liquor-licensed premises in each district in the past three years, broken down by (i) enforcement action taken; (ii) verbal warning made; and (iii) written warning made

2. The relevant information is provided at Annex A.

(b) In relation to the liquor-licensed premises with record of substantiated complaints, the number of licence renewal applications being (i) refused; (ii) approved with a full term licence period (at present one year); and (iii) approved with a licence period shorter than a full term and/or with additional licensing conditions respectively in the past three years

3. The relevant information is provided at Annex B.

(c) Guidelines and/or procedures that the Liquor Licensing Board had been following with a view that the grant of the licence would not be contrary to public interest

4. In the interest of enhancing transparency, the Liquor Licensing Board (LLB) published in December 2013 a set of guidelines titled “Guidelines on Assessing Liquor Licence Applications”, capturing the factors that are taken into account when assessing liquor licence applications.

Paragraphs 6 and 7 of the Guidelines¹ have set out the considerations that LLB would take into account in deciding whether an application passes the “public interest” test.

5. A set of the Guidelines is available on LLB’s website. A copy is also attached to Annex C to the Legislative Council Brief (File Ref.: FH CR 2/3231/13).

SUMMING UP

6. Members are invited to note the content of this paper.

**Food and Health Bureau
Food and Environmental Hygiene Department
March 2015**

¹ The LLB is bound by the statutory requirements to consider liquor licence applications with prudence. It is a well-established practice on the part of the LLB to seek to strike a balance between the interests of all parties and refrain from considering the applications in a mechanical manner. Due to the special nature of liquor-licensed premises, in approving an application, the LLB may impose additional licensing conditions on top of the standard ones for compliance by the licensee, striking a balance between protecting the commercial interest of the operators on the one hand, and helping to preserve tranquility and public order in the local community on the other hand. Paragraph 6 of the Guidelines sets out examples of additional licensing conditions. They include conditions stipulating that liquor shall only be sold within specified hours, the doors and windows of the premises shall be kept closed within specified hours, etc..

It is also stipulated in the Guidelines that when examining applications, it is incumbent upon the LLB to take all relevant circumstances into account in seeking to strike a balance between the interests of the applicants and those of the neighbours who may be affected. Paragraph 7 of the Guidelines sets out some examples of these considerations, such as objections and the grounds underlying such objections raised by the persons affected and the departments concerned. It is clearly stated in the Guidelines that, where the premises are in close proximity to residential buildings or located in a mixed commercial/residential building, such premises would be less likely to be suitable for use as liquor-licensed premises since the operations are more prone to cause nuisance or disturbance affecting the daily lives of nearby residents, including noise nuisance and environmental hygiene problems to the neighbourhood.

**The number of substantiated complaints against liquor-licensed premises in each district in 2012, 2013 and 2014
broken down by (i) enforcement action taken; (ii) verbal warning made; and (iii) written warning made**

| Year | 2012 | | | | | 2013 | | | | | 2014 | | | | |
|-----------------|---|---|--------------------|--------------------------|---------------------------|--------------|------------|------------|------------|-----------|--------------|------------|------------|------------|-----------|
| | (a) No. of Substantiated Complaint | (b) No. of liquor-licensed premises with records of substantiated complaint | (c) Prosecution | (d) Verbal Warning | (e) Written Warning | (a) | (b) | (c) | (d) | (e) | (a) | (b) | (c) | (d) | (e) |
| Central/Western | 39 | 25 | 17 | 22 | 0 | 45 | 25 | 23 | 22 | 5 | 65 | 38 | 49 | 29 | 12 |
| Eastern | 37 | 29 | 7 | 30 | 0 | 13 | 9 | 11 | 2 | 0 | 18 | 15 | 6 | 16 | 4 |
| Southern | 0 | 0 | 0 | 0 | 0 | 12 | 5 | 11 | 1 | 0 | 49 | 31 | 2 | 49 | 0 |
| Wan Chai | 26 | 11 | 12 | 15 | 1 | 26 | 15 | 18 | 5 | 3 | 55 | 23 | 29 | 15 | 11 |
| Islands | 14 | 8 | 14 | 0 | 0 | 16 | 10 | 14 | 2 | 0 | 5 | 5 | 5 | 0 | 0 |
| Yau Tsim | 215 | 90 | 119 | 97 | 1 | 234 | 77 | 154 | 54 | 28 | 213 | 75 | 56 | 138 | 21 |
| Mong Kok | 63 | 31 | 25 | 34 | 4 | 67 | 27 | 48 | 20 | 0 | 67 | 48 | 16 | 52 | 1 |
| Sham Shui Po | 15 | 10 | 7 | 8 | 0 | 29 | 12 | 13 | 16 | 0 | 80 | 48 | 26 | 54 | 1 |
| Kowloon City | 30 | 23 | 4 | 26 | 0 | 27 | 16 | 20 | 7 | 0 | 63 | 37 | 9 | 53 | 1 |
| Wong Tai Sin | 27 | 8 | 13 | 14 | 0 | 37 | 7 | 32 | 6 | 0 | 26 | 12 | 10 | 17 | 1 |
| Kwun Tong | 21 | 15 | 9 | 12 | 0 | 3 | 3 | 3 | 0 | 0 | 17 | 8 | 6 | 11 | 0 |
| Tsuen Wan | 56 | 13 | 48 | 8 | 0 | 39 | 13 | 28 | 11 | 0 | 28 | 9 | 3 | 23 | 2 |
| Kwai Tsing | 27 | 8 | 16 | 11 | 0 | 12 | 3 | 6 | 6 | 0 | 28 | 14 | 6 | 23 | 0 |
| North | 10 | 6 | 8 | 2 | 0 | 40 | 4 | 30 | 10 | 0 | 69 | 15 | 33 | 36 | 0 |
| Tai Po | 15 | 8 | 9 | 6 | 0 | 164 | 37 | 97 | 66 | 4 | 154 | 51 | 54 | 100 | 1 |
| Sai Kung | 114 | 28 | 17 | 97 | 0 | 19 | 15 | 14 | 5 | 0 | 65 | 31 | 24 | 42 | 11 |
| Sha Tin | 39 | 5 | 38 | 1 | 0 | 238 | 17 | 236 | 1 | 1 | 53 | 14 | 41 | 11 | 1 |
| Tuen Mun | 19 | 6 | 16 | 2 | 1 | 20 | 8 | 5 | 12 | 3 | 30 | 17 | 6 | 16 | 9 |
| Yuen Long | 42 | 14 | 24 | 20 | 14 | 131 | 24 | 102 | 28 | 1 | 53 | 20 | 20 | 33 | 1 |
| Total | 809 | 338 | 403 | 405 | 21 | 1 172 | 327 | 865 | 274 | 45 | 1 138 | 511 | 401 | 718 | 77 |

Note: A liquor-licensed premises may register more than one substantiated complaint in a year.

In relation to the liquor-licensed premises with record of substantiated complaints, the number of licence renewal applications being refused, approved with a full term licence period (at present one year), and approved with a licence period shorter than a full term, and/or with additional licensing conditions respectively in 2012, 2013 and 2014

| Year | 2012 | | | | | | 2013 | | | | | | 2014 | | | | | |
|-----------------|--|----------------------------|---|---|---|----------|------------------------|----------------------------|-----------|------------|-----------|----------|------------------------|----------------------------|------------|------------|-----------|----------|
| | (a) No. of liquor-licensed premises with records of substantiated complaint seeking licence renewal | No. of Renewal Application | | | | | (a) | No. of Renewal Application | | | | | (a) | No. of Renewal Application | | | | |
| | | (b) Refused | (c) Approved with a full term licence | | (d) Approved with a shorter-than-full-term licence | | | (b) | (c) | | (d) | | | (b) | (c) | | (d) | |
| | | | (i) With additional licensing conditions | (ii) Without additional licensing conditions | (i) | (ii) | | | (i) | (ii) | (i) | (ii) | | | (i) | (ii) | | |
| Central/Western | 21 | 0 | 9 | 7 | 5 | 0 | 21* | 1 | 9 | 4 | 10 | 0 | 35* | 3 | 15 | 8 | 12 | 0 |
| Eastern | 21 | 0 | 0 | 21 | 0 | 0 | 6 | 0 | 0 | 6 | 0 | 0 | 11 | 0 | 3 | 8 | 0 | 0 |
| Southern | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 3 | 0 | 1 | 0 | 26 | 0 | 8 | 18 | 0 | 0 |
| Wan Chai | 11* | 0 | 8 | 1 | 4 | 0 | 13* | 1 | 9 | 2 | 2 | 0 | 15* | 0 | 8 | 1 | 9 | 0 |
| Islands | 8 | 0 | 0 | 8 | 0 | 0 | 8 | 0 | 0 | 8 | 0 | 0 | 5 | 0 | 0 | 5 | 0 | 0 |
| Yau Tsim | 76* | 0 | 19 | 55 | 3 | 0 | 66* | 1 | 34 | 24 | 10 | 1 | 62* | 3 | 24 | 27 | 12 | 1 |
| Mong Kok | 28* | 0 | 4 | 20 | 4 | 1 | 25 | 0 | 12 | 10 | 3 | 0 | 42* | 1 | 11 | 24 | 7 | 0 |
| Sham Shui Po | 9 | 0 | 0 | 9 | 0 | 0 | 7 | 0 | 0 | 5 | 2 | 0 | 39 | 0 | 8 | 28 | 3 | 0 |
| Kowloon City | 17 | 0 | 3 | 14 | 0 | 0 | 13* | 0 | 1 | 9 | 3 | 1 | 31 | 0 | 4 | 27 | 0 | 0 |
| Wong Tai Sin | 6 | 0 | 1 | 3 | 2 | 0 | 5 | 0 | 1 | 4 | 0 | 0 | 10* | 0 | 2 | 7 | 2 | 0 |
| Kwun Tong | 14 | 0 | 0 | 13 | 1 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 8 | 0 | 0 | 6 | 2 | 0 |
| Tsuen Wan | 10 | 0 | 1 | 9 | 0 | 0 | 7 | 0 | 2 | 4 | 1 | 0 | 7* | 0 | 2 | 3 | 3 | 0 |
| Kwai Tsing | 7 | 0 | 0 | 7 | 0 | 0 | 2 | 0 | 1 | 1 | 0 | 0 | 14* | 0 | 1 | 11 | 2 | 1 |
| North | 6 | 0 | 1 | 3 | 2 | 0 | 4* | 0 | 1 | 1 | 4 | 0 | 10* | 0 | 5 | 5 | 1 | 0 |
| Tai Po | 4 | 0 | 0 | 4 | 0 | 0 | 26* | 0 | 7 | 18 | 3 | 1 | 44* | 0 | 10 | 22 | 13 | 3 |
| Sai Kung | 27 | 0 | 11 | 14 | 2 | 0 | 13* | 0 | 5 | 5 | 5 | 0 | 28* | 0 | 12 | 14 | 3 | 0 |
| Sha Tin | 4 | 0 | 0 | 4 | 0 | 0 | 14 | 0 | 1 | 10 | 1 | 2 | 12 | 1 | 0 | 10 | 1 | 0 |
| Tuen Mun | 4 | 0 | 1 | 3 | 0 | 0 | 5* | 0 | 1 | 0 | 7 | 0 | 15* | 0 | 4 | 8 | 6 | 0 |
| Yuen Long | 8 | 0 | 0 | 3 | 4 | 1 | 18* | 2 | 6 | 6 | 5 | 0 | 14* | 0 | 4 | 4 | 8 | 0 |
| Total | 281[#] | 0 | 58 | 198 | 27 | 2 | 260[#] | 5 | 93 | 120 | 57 | 5 | 428[#] | 8 | 121 | 236 | 84 | 5 |

* In those cases where a liquor-licensed premises is issued with a shorter-than-full-term licence, there may be more than one renewal application in the subject year.

The number of liquor-licensed premises with records of substantiated complaint seeking licence renewal is smaller than that of liquor-licensed premises with records of substantiated complaint recorded (see column (b) of Annex A) in the same year. This is so because not all premises with records of substantiated complaint seek licence renewal in the year, including some which may have ceased business after their licences expire.